

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

The Financial Oversight and Management Board
for Puerto Rico,

as representative of

The Commonwealth of Puerto Rico, et al.

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**STIPULATION AND AGREED ORDER REGARDING WITHDRAWAL OF
PROOFS OF CLAIM OF ROSA I. ORENGO ROHENA (CLAIM NOS. 167999 & 179445)**

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² on the one hand, and Rosa I. Orengo

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

Rohena (“Claimant”), on the other hand, hereby enter into this stipulation (the “Stipulation”) as follows:

RECITALS

A. On May 3, 2017, the Oversight Board issued a restructuring certification pursuant to sections 104(j) and 206 of PROMESA and filed a voluntary petition for relief for the Commonwealth pursuant to PROMESA section 304(a), commencing a case under Title III thereof (the “Commonwealth Title III Case”).

B. By operation of PROMESA and pursuant to PROMESA section 315(b), the Oversight Board is the representative of the Commonwealth in the Commonwealth Title III Case.

C. The Court has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a), and venue is proper in this District pursuant to PROMESA section 307(a).

D. On February 15, 2018, the Court entered an *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* (the “Bar Date Order”) [Case No. 17-3283, ECF No. 2521], pursuant to which, among other things, the Court directed that creditors file proofs of claim in the Title III cases by the dates set forth in the Bar Date Order.

E. On December 11, 2018, Claimant filed Proof of Claim No. 167999 (the “Misclassified Claim to Be Withdrawn”) against the Commonwealth, asserting a general unsecured claim in the amount of \$310,685.09 and a secured claim in the amount of \$27,197.88, associated with liabilities arising from a judgment dated March 18, 2015, pursuant to which Claimant contends the Commonwealth owes liabilities in respect of allegedly unpaid salaries and legal expenses.

F. On June 18, 2021, the Commonwealth, the Puerto Rico Highways and Transportation Authority (the “HTA”), and the Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and HTA, the “Debtors”), by and through the Oversight Board, filed that certain *Three Hundred Forty-Fifth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Misclassified Claims* (the “Three Hundred Forty-Fifth Omnibus Objection”) [ECF No. 17108] seeking to disallow proofs of claim asserting an incorrect or improper priority or classification. The Misclassified Claim to Be Withdrawn is subject to the Three Hundred Forty-Fifth Omnibus Objection.

G. On July 9, 2021, Claimant filed an untitled response [ECF No. 17290] (the “Response”). Therein, Claimant did not dispute that the Misclassified Claim to Be Withdrawn is unsecured and stated that “[a]fter a review of the evidence, the creditor recognizes that her claim is wholly unsecured, and as such amended her POC.” Response at 1.

H. On July 9, 2021, Claimant filed an amended proof of claim against the Commonwealth, logged as Proof of Claim No. 179444, asserting a general unsecured claim in the amount of \$310,685.09 (the “Amended Claim”).

I. On July 12, 2021, Claimant filed a second amended proof of claim against the Commonwealth, identical to and duplicative of the First Amended Claim, logged as Proof of Claim No. 179445 (the “Amended Duplicative Claim to Be Withdrawn,” and together with the Misclassified Claim to Be Withdrawn, the “Claims to Be Withdrawn”).

J. On July 28, 2021, the Debtors filed a reply [ECF No. 17561] in support of the Three Hundred Forty-Fifth Omnibus Objection addressing the Response, explaining that because Claimant did not dispute that the Misclassified Claim to Be Withdrawn incorrectly asserts a secured claim, the Misclassified Claim to Be Withdraw should be reclassified as unsecured.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

AGREEMENT

1. The Claims to Be Withdrawn are hereby withdrawn in their entirety, with prejudice. In connection with such withdrawal, (a) the Title III Debtors' claims and noticing agent, Prime Clerk, LLC, and the Clerk of the Court are authorized and directed to update the Commonwealth claims register maintained in the Commonwealth Title III Case to reflect the withdrawal of the Claims to Be Withdrawn; and (b) the Oversight Board's Three Hundred Forty-Fifth Omnibus is hereby deemed withdrawn, solely as to the Misclassified Claim to Be Withdrawn.

2. Claimant's rights with respect to the Amended Claim (179444) are reserved.

3. The Commonwealth reserves the right to object to the Amended Claim on any basis whatsoever.

4. The parties hereto represent and warrant that they are duly authorized to enter into and be bound by this Stipulation. Nothing herein shall impair any right, power, or obligation or be considered a waiver of any such right, power or obligation the parties hereto have with respect to any valid and existing agreements between the parties hereto, which agreements remain in full force and effect and are not modified hereby.

5. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Stipulation.

6. This Stipulation may be executed in multiple counterparts, any of which may be transmitted by facsimile or electronic mail, and each of which will be deemed an original, but all of which together will constitute one instrument.

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STIPULATED AND AGREED TO BY:

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/s/ Martin J. Bienenstock

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*Attorneys for the Financial Oversight
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representative for the Commonwealth*

SO ORDERED ON August 4, 2021

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN

United States District Judge

CERTIFICATE OF SERVICE

I certify that on the date hereof, a true and correct copy of the above and foregoing was served upon all parties via the Court's electronic case filing system (ECF).

/s/ Hermann D. Bauer

Hermann D. Bauer